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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JEROME CEASAR ALVERTO,

11 Plaintiff,

12 v.

13 MARGARET GILBERT, MELIDA
14 FERRELL, BLUMBERG,

15 Defendants.

CASE NO. 3:18-CV-05573-RJB-DWC

ORDER DENYING PLAINTIFF'S
APPLICATION FOR COURT-
APPOINTED COUNSEL

16 The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate
17 Judge David W. Christel. Currently pending in this action is Plaintiff Jerome Ceasar Alverto's
18 Application for Court-Appointed Counsel. Dkt. 8.

19 No constitutional right to appointed counsel exists in a § 1983 action. *Storseth v.*
20 *Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981); *see United States v. \$292,888.04 in U.S.*
21 *Currency*, 54 F.3d 564, 569 (9th Cir. 1995) (“[a]ppointment of counsel under this section is
22 discretionary, not mandatory”). However, in “exceptional circumstances,” a district court may
23 appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1) (formerly 28
24 U.S.C. § 1915(d)). *Rand v. Roland*, 113F.3d 1520, 1525 (9th Cir. 1997), *overruled on other*

1 grounds, 154 F.3d 952 (9th Cir. 1998). To decide whether exceptional circumstances exist, the
2 Court must evaluate both “the likelihood of success on the merits [and] the ability of the
3 [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.”
4 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (quoting *Weygandt v. Look*, 718
5 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead facts showing he has an insufficient grasp
6 of his case or the legal issues involved and an inadequate ability to articulate the factual basis of
7 his claims. *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004).

8 Plaintiff submitted an Application for Court-Appointed Counsel form, wherein he
9 provided no reasons for why he is requesting Court-appointed counsel. *See* Dkt. 8. He states only
10 that he has made efforts to retain counsel. *See id.* The Court notes his case does not involve
11 complex facts or law, and Plaintiff has not shown an inability to articulate the factual basis of his
12 claims in a fashion understandable to the Court. Plaintiff has also not shown he is likely to
13 succeed on the merits of his case. Accordingly, Plaintiff’s Motion (Dkt. 8) is denied without
14 prejudice.

15 Dated this 14th day of September, 2018.

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18 David W. Christel
19 United States Magistrate Judge
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